1946. K File No. O. Press and Regn of Books 1/46.

Legal Dept-

A BRANCH

Subject:— Opinions under the Press and Registration of Books Act. 1867

(31 2/46)

File No. O Press and Regn of Books 46

Gen. 194 .

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Office of the R.L.A.

Section 15 of the Press and Registration of Books Act, 1867, prescribes the penalty for printing or publishing any newspaper without conforming to rules laid down in the Section 5 provides that no newspaper shall be published in British India except in conformity with the rules hereinaf -after laid down :

(1) Every copy of every such newspaper shall contain the name of the person who is the editor thereof printed clearly on such copy as the name of the editor of that newspaper :

(2) The printer and publisher of every such newspaper shall appear in person etc. shall make and subscribe in duplicate the declaration as prescribed therein.

"Newspaper" as defined in section 1 means any printed periodical work containing public news or comments on such public news. "Periodical" means "(magazine or miscellany) published at regular intervals, e.g. monthly" (see the & Concise Oxford Dictionary). To constitute an offence under section 15 read with section 5(2) what is necessary t to prove is that the work published is a periodical work, that is to say, it is published at regular intervals and wi without any declaration being made and subscribed. The second issue of "LOKMAT" has been published on 4th February 1946 and the third issue of 11th February 1946. But the next four issues do not contain the date of publication. Consequently unless it can be proved that these issues were published at a regular interval of a week as the second and third issues were done it cannot be held that "LOKMAT" is a newspaper within the meaning of section 1 although it has all the appearance of a newspaper containing public news of comments on public news; and in the absence of such proof it is doubt if a prosecution under section 15 can be sustained.

The four issues of "Maharastra Parishad" no doubt contains public news or comments on public news; but they are all undated. Consequently in the absence of proof that they were published at a regular intervals

"Maharashtra Parishad" cannot be considered a newspaper within the meaning of section 1 of the Press and Registration of Books Act and the prosecution of the printer for the breach of section 15 read with section 5(2) will not be successful.

Id/- P.N.M.29/5/46.
Remembrancer of Legal Affairs.

U.R. to H.D.(Political), No.235. Confl., dated the30th May 1946.

K.M.P.
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